THE PRISONS ACT, 1894 (IX OF 1894).

G. N., H. D., No. 3359/4, dated 23rd November 1940 (B. G., Pt. I, p. 3633). S. 3 (1)

Under section 3 (*1*) of the Prisons Act (IX of 1894), the Government of Bombay is pleased to declare the buildings of the former Government Prison Farm at Visapur a "Prison" and to direct that it should be designated "Visapur Temporary Prison".

G. N., H. D., No. 6485/4, dated 13th November 1942 (B. G., Pt. IV-A, p. 473). S. 3 (1) (c)

In exercise of the powers conferred by clause (*c*) of sub-section (*1*) of section 3 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to declare the old quarantine yard of the Borstal School, Dharwar, to be a subsidiary jail with effect from 29th October 1942.

G. N., H. D., No. 7728/2, dated 30th July 1930 (B. G., Pt. I, p. 1948). S 3 (1) (c)

Under section 3 (*1*) (*c*) of the Prisons Act, IX of 1894, the Governor in Council is pleased to declare the following two buildings at Jalgaon to be subsidiary jails, and to direct that they should be designated "Temporary Sub-Jails, Jalgaon":

(1) Two rooms behind the office of the Deputy Educational Inspector, East Khandesh, situated in Revenue Survey No. 217-B of Jalgaon and bearing City Survey No. 1974.

(2) Two rooms in the Police Head Quarter Lines, one used at present as a Vernacular school and the other as the office of the Head Quarter Police Sub-Inspector, situated in Revenue Survey No. 217 and bearing City Survey No. 1977.

G. N., H. D., No. 1577/4, dated 10th June 1941 (B. G., Pt. IV-A, p. 114). S. 3 (1) (c)

In exercise of the powers conferred by clause (*c*) of sub-section (*1*) of section 3 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to declare the buildings situated on the site opposite to the Railway Station known as Camping Ground and bearing Survey No. 14/4/1/1, at Nadiad, to be a subsidiary jail with effect from the 25th day of March 1941, and to direct that the said subsidiary jail shall be called "the Subsidiary Jail, Nadiad".

G. N., H. D., No. 5111/4, dated 28th October 1941 (B. G., Pt. IV-A, p. 260). S. 3 (1) (c)

In exercise of the powers conferred by clause (*c*) of sub-section (*1*) of section 3 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to declare the two western rooms of the building bearing municipal No. 226, formerly used

as a Police Station and situated on Kole-Dongri Road at Andheri in the Bombay Suburban District, to be a subsidiary jail with effect from the 1st May 1941, and to direct that the said subsidiary jail shall be called " the Subsidiary Jail, Andheri ".

S. 3 (1) (c) **G. O., H. D., No. 4099/4-IV, dated 15th November 1943 (B. G., Pt. IV-A, p. 150).**

Amended by Corrigendum, H. D., No. 4099/4-IV, dated 7th December 1943.

In exercise of the powers conferred by clause (*c*) of sub-section (*1*) of section 3 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to declare the accommodation attached to the Court of the Resident Magistrate, Belapur Road, which is housed at present in the building formerly known as the Public Works Department Bungalow at Belapur Road, to be a subsidiary jail with effect from the date of this order.

S. 3 (1) (c) **G. N., H. D., No. 8529/4, dated 24th January 1945 (B. G., Pt. IV-A, p. 15).**

In exercise of the powers conferred by clause (*c*) of sub-section (*1*) of section 3 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to declare the buildings situated in Survey No. 141 be of the Village Kurdu area in the Sholapur District to be a subsidiary jail with effect from 20th November 1944 and to direct that the said subsidiary jail shall be called " The Subsidiary Jail, Kurduwadi ".

S. 3 (1) (c) **G. N., H. D., No. 105/5, dated 9th May 1946 (B. G., Pt. IV-A, p. 65).**

In exercise of the powers conferred by clause (*c*) of sub-section (*1*) of section 3 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to declare one of the cells in the Police Lock-ups at Borivali in the Thana District to be a subsidiary jail and to direct that the said subsidiary jail shall be called " The Subsidiary Jail, Borivali ".

2. Government is pleased to appoint the Resident Magistrate, First Class, Borivali, to be the Superintendent, his Shirastedar to be the part-time Jailor and the Medical Officer in charge of the Bassein Dispensary to be the Medical Officer of the Sub-Jail at Borivali.

S. 3 (1) (c) **G. N., H. D., No. 3041/5, dated 28th August 1947 (B. G., Pt. IV-A, p. 165).**

In exercise of the powers conferred by clause (*c*) of sub-section (*1*) of section 3 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to declare the building situated in Survey No. 165 A.F. No. 1 at Khanatha Village in the Kankaoli Mahal of the Ratnagiri District, to be a subsidiary jail with effect from the 1st August 1947 and to direct that the said subsidiary jail shall be called " the Subsidiary Jail, Kankaoli ".

G. N., H. D., No. 9180/3-IV-(C), dated 1st February 1940 (B. G., Pt. IV-A, p. 25). S. 59 (25)

Amended by G. N., H. D., No. 117/4, dated 9th December 1941.
Amended by G. N., H. D., No. 1676/5, dated 8th February 1947.
Amended by G. N., H. D., No. 1676/5, dated 2nd September 1947.
Amended by G. N., H. D., No. 4295/5, dated 26th April 1948.
Amended by G. N., H. D., No. 5536/5, dated 24th May 1949.
Amended by G. N., H. D., No. 5536/5, dated 22nd August 1950.

In exercise of the powers conferred by clause (*25*) of section 59 of the Prisons Act, 1894 (IX of 1894), read with the rule made by the Provincial Government under Government Notification, Home Department, No. 9180/3-IV-(B), dated the 1st February 1940 and in supersession of all previous notifications on the subject the Government of Bombay is pleased to make the following rules for the appointment and guidance of visitors of subsidiary jails in substitution of rules 55 to 60 (both inclusive) contained in the Sub-Jail Manual, 1928, namely :—

"55. There shall be a board of visitors for each subsidiary jail in each of the towns of Ahmedabad, Nadiad, Broach, Godhra, Surat, Ahmednagar, Jalgaon, Nasik, Satara, Sholapur, Dharwar, Karwar, Alibag and Ratnagiri. The Board shall consist of—

(*a*) ex-officio visitors ;
(*b*) other visitors appointed under the rules hereinafter appearing.

The District Magistrate shall be the Chairman of the Board.

56. The following officers and such other officers as Government may from time to time appoint in this behalf shall be ex-officio Visitors of Sub-Jails mentioned in rule 55 within the respective areas under their official charge or within their jurisdiction :—

* * * * * * *

(2) Sessions Judges including Additional and Assistant Sessions Judges.
(3) District Magistrates.
(4) Sub-Divisional and City Magistrates.
(5) Huzur Deputy Collectors and Huzur Mamlatdars.
(6) The Inspector-General of Police.
(7) Deputy Inspectors-General of Police.
(8) District Superintendents of Police.
(9) The Director of Public Instruction.
(10) Educational Inspectors.
(11) The Surgeon General with the Government of Bombay.
(12) Civil Surgeons.
(13) The Director of Public Health.

(14) Assistant Directors of Public Health.

(15) Superintending Engineers.

(16) Executive Engineers.

(17) The Sub-Divisional Engineer, Public Works Department, Broach, for the Subsidiary Jail in the town of Broach.

57. (1) In addition to the official visitors mentioned in rule 56 there shall ordinarily be three non-official visitors for the sub-jails at Ahmedabad, Jalgaon, Dharwar and Alibag and four for the Sub-Jails at Nadiad, Broach, Godhra, Surat, Ahmednagar, Nasik, Satara, Sholapur, Karwar and Ratnagiri. One of the non-official visitors for each of the said fourteen Sub-Jails shall be a member of the Bombay Legislative Assembly or Council representing the town or the district in which the Sub-Jail is situated. In the case of each of the Sub-Jails mentioned above for which there shall ordinarily be four non-official visitors, one of the said visitors shall be a woman.

(2) The appointment of the non-official visitors of any Sub-Jail shall be made by the District Magistrate of the District in which the Sub-Jail is situated.

(3) The appointment of non-official visitors other than members of the Bombay Legislature shall be made for a period not exceeding three years. The appointment of the members of the Bombay Legislature shall be made annually from amongst the members of the said Legislature residing in the District in which the Sub-Jail is situated. The appointment shall be made by turns to be fixed by such members themselves, failing which the District Magistrate concerned shall fix such turn by drawing lots.

(4) All the appointments made under this rule shall be notified in the *Bombay Government Gazette.*

(5) Non-official visitors shall not be granted any travelling, daily or conveyance allowances for their visits to Sub-Jails.

57-A. Notwithstanding anything contained in Rule 57, Government may, at any time, terminate the appointment of any person appointed as a non-official visitor of any Sub-Jail before the expiry of the period of his appointment.

57-B. There shall also be a Board of Visitors for each subsidiary jail situated at the headquarters of a taluka or mahal.

The Board shall consist of—

(*a*) Ex-officio visitors,

(*b*) Other visitors appointed under the rules hereinafter appearing.

The Assistant or Deputy Collector in charge of the Division concerned shall be the Chairman of the Board.

57-C. The following officers and such other officers as Government may from time to time appoint in this behalf shall be *ex-officio* visitors of the Sub-Jails mentioned in rule 57-B, within the respective areas under their official charge or within their jurisdiction :—

(1) The Assistant or Deputy Collectors.
(2) The Assistant or Deputy Engineer, Public Works Department.
(3) The Resident Magistrates, if they are not Superintendents of the Sub-Jails.
(4) The Civil Judges.

57-D. (1) In addition to the official visitors mentioned in rule 57-C there shall ordinarily be two non-official visitors for each of the Sub-Jails mentioned in rule 57-B. One of the two non-official visitors shall be the President of the local Municipality and the other a member of the District Local Board representing the taluka or mahal in which the Sub-Jail is situated. In areas where there is no Municipality one person interested in social work and resident in the area and in areas where there is neither a Municipality nor a Local Board, two persons interested in social work and resident in the area shall be appointed as non-official visitors by the District Magistrate concerned.

(2) The appointment of the non-official visitor other than the President of the Municipality or member of the District Local Board shall be made for a term of three years. The appointment of the members of the District Local Board shall be made annually from amongst the members of the Local Board residing in the taluka or mahal in which the Sub-Jail is situated. The appointment shall be made by turns to be fixed by such members themselves, failing which the District Magistrate concerned shall fix such turn by drawing lots.

(3) Non-official visitors shall not be granted any travelling, daily or conveyance allowance for their visits to Sub-Jails.

58. The chairman shall convene a quarterly meeting of the whole Board in the months of January, April, July and October to carry out the duties of inspection specified in rule 59 (*See* Rule 55 and Rule 57-B).

59. The visitors may inspect every part of the premises of the Sub-Jail, interrogate prisoners, examine warrants, Sub-Jail registers and records. They may, if they deem fit, direct that any representation or petition made to them by a prisoner shall be forwarded to Government.

60. Visitors shall record the dates and hours of their visits in a Visitors' Book and also enter therein any remarks which they may wish to make. A copy of such entries shall be forwarded to the Inspector-General of Prisons through the District Magistrate on the 1st day of the following month. Any remarks made by a visitor requiring special attention shall be submitted likewise to the Inspector-General of Prisons immediately.

61. No Police Officer, except an official visitor, shall be permitted to interrogate any prisoner unless he produces written authority signed by the Inspector-General of Police, Deputy Inspector-General of Police, Commissioner of Police, District Magistrate or District Superintendent of Police.

A Police Officer so authorised shall not ordinarily be below the rank of Inspector,

62. Except for special reasons, which shall be recorded in the official Visitors' Book, no Visitor shall,

(*a*) inspect any Jail—

(*i*) on Sundays, or

(*ii*) between the hours of 6 p.m. and 6 a.m., or

(*b*) on any occasion other than that of a quarterly committee meeting require the attendance of the Superintendent or Jailor.''

S. 59 (26) **G. N., H. D., No. 9180/3-IV-(B), dated 1st February 1940 (B. G., Pt. IV-A, p. 25).**

In exercise of the powers conferred by clause (*26*) of section 59 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to make the following rule, namely :—

"The provisions of clause (*25*) of section 59 of the Prisons Act, 1894 (IX of 1894), shall extend to all the subsidiary jails in the State of Bombay."

S. 59 (26) **G. N., H. D., No. 6178/4, dated 31st March 1943 (B. G., Pt. IV-A, p. 52).**

In exercise of the powers conferred by clause (*26*) of section 59 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to make the following rule, namely :—

"The provisions of clauses (*11*) and (*27*) of section 59 of the Prisons Act, 1894 (IX of 1894), shall extend to all the subsidiary jails in the State of Bombay."

S. 59 (26) **G. N., H. D., No. 5503/4-II (A), dated 8th July 1943 (B. G., Pt. IV-A, p. 108).**

In exercise of the powers conferred by clause (*26*) of section 59 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to make the following rule, namely :—

"The provision of clause (*5*) of section 59 of the Prisons Act (IX of 1894), shall extend to all the subsidiary jails in the State of Bombay."

S. 59 (26) **G. N., H. D., No. 7786/4-II, dated 23rd June 1944 (B. G., Pt. IV-A, p. 101).**

In exercise of the powers conferred by clause (*26*) of section 59 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to make the following rule, namely :—

"The provisions of clause (*24*) of section 59 of the Prisons Act, 1894 (IX of 1894), shall extend to all the subsidiary jails in the State of Bombay."

S. 59 (26) **G. N., H. D., No. 2346/4-XIII, dated 4th December 1945 (B. G., Pt. IV-A, p. 219).**

In exercise of the powers conferred by clause (*26*) of section 59 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to make the following rule, namely :—

"The provisions of section 6 and of clause (*10*) of section 59 of the Prisons Act, 1894 (IX of 1894), shall extend to all the subsidiary jails in the State of Bombay."

G. N., H. D., No. 6696/5, dated 31st October 1950 (B. G., Pt. IV-A, p. 614). S. 59

In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894), the Government of Bombay is pleased to make the following rules, namely :—

1. The State Government may, from time to time, open as many extra-mural camps for the employment of prisoners selected under rule 6 as it thinks fit.

2. At an extra-mural camp opened under rule 1 prisoners shall be employed in groups of twenty and shall be permitted to select the members of their own group.

3. Any prisoner who has served one year of sentence exclusive of remission or one-fourth of sentence inclusive of remission, whichever is greater, shall be eligible for selection and employment at any camp opened under rule 1 :

Provided that the unexpired portion of the sentence of such prisoner is more than six months ;

Provided further that the habitual prisoners or the prisoners undergoing sentence for dacoity shall not be so eligible for selection and employment.

4. Any prisoner eligible for selection under rule 3 and desiring to work at the camp may make an application to the Superintendent of the Prison in Form A appended to these rules.

5. Every application made under rule 4 shall be submitted in the districts to the State Government through the following officers in succession, namely :—

(1) the Medical Officer of the Prison in which the applicant is undergoing sentence ;

(2) the Superintendent of the Prison in which the applicant is undergoing sentence ;

(3) the District Superintendent of Police of the district wherein the applicant was convicted ;

(4) the District Magistrate of the district wherein the applicant was convicted ; and

(5) the Inspector-General of Prisons, State of Bombay.

In the case of a prisoner undergoing sentence in the Greater Bombay such application shall be submitted to the State Government through the Commissioner of Police, Greater Bombay, and the Inspector-General of Prisons, State of Bombay, in succession.

6. (1) Every officer through whom an application is forwarded under rule 5 shall make an endorsement thereon communicating his opinion for or against the selection of the applicant.

(2) Endorsements to be made by the Medical Officer, the Superintendent of Prison, the District Superintendent of Police, the District Magistrate and the Inspector-General of Prisons, State of Bombay, shall, respectively, be in Forms B, C, D, E and F appended to these rules.

7. On receipt of an application made under rule 4, the State Government may, after considering the opinions of all the Officers concerned as expressed in their endorsements, issue orders, for the selection of the applicant.

8. When orders for selection of a prisoner are issued by the State Government under rule 7, the Superintendent of Prison shall explain or cause to be explained to the prisoner the conditions on which he has been selected and shall satisfy himself that the prisoner is physically and mentally fit for employment in the camp.

9. On selection the property including cash and earnings belonging to the prisoner shall be handed over to him and he shall be taken to the camp where he is to be employed.

10. The Superintendent of Prison shall intimate the date of the transfer of the prisoner to the camp to the following officers, namely :—

(1) the District Superintendent of Police of the district where the prisoner was convicted ; or if the prisoner was convicted in the Greater Bombay, the Commissioner of Police, Greater Bombay ;

(2) the Sub-Inspector of Police within the limits of whose jurisdiction the prisoner's family resides ;

(3) the District Magistrate and the District Superintendent of Police of the District where the prisoner is to be employed ; and

(4) the Jailor of the camp in which the prisoner is to be employed.

11. The Superintendent of Prison shall transfer to the Jailor of the camp the warrant, history ticket and other documents relating to the prisoner and also a list of the property and cash handed over to the prisoner.

12. At the camp, the prisoner shall be provided with a bamboo matting hut and such other equipment as may be required by him and his family and also a week's wages in advance.

13. Every prisoner employed at the camp shall be paid at the current market rate, subject to a maximum of annas 10 per day. The payment shall be made weekly and the advance given under rule 12 shall be recouped in three instalments from the wages earned.

14. The prisoner who has been provided with any equipment shall be held responsible for any loss or damage done to it and shall be required to make good such loss or damage from his earnings.

15. After the advance is recouped in full under rule 13 one and a half days' earnings of the prisoner shall be deducted from the wages earned by him in a week and credited to his account to be paid to him on his release or closure of the camp.

16. The prisoner who is incapacitated to work on account of any injury sustained by him while discharging his duty shall receive free rations up to 10 days in addition to the free medical treatment. This concession of free rations shall not be available to the members of the prisoner's family.

17. In case of the prolonged sickness of the prisoner, the Jailor may, in consultation with the Medical Officer of the camp, return the prisoner to the Jail from which he was received.

18. After the prisoner has worked for three months at the camp, his family may be allowed to join him and if so allowed, the members of his family shall also be employed at the camp and paid at the market rate. No prisoner whose family has not joined him shall be permitted to remain in the group in which there are prisoners with their families.

19. Members of the prisoner's family who stay with him in the Camp shall be subject to the Camp rules and any breach of rules on their part will entail the prisoner's return to the Jail which he was assigned.

20. The prisoner who works satisfactorily in the Camp shall be allowed one-third remission on the unexpired portion of his sentence.

21. When the prisoner completes his sentence, the warrant shall be returned to the Court concerned, through the Superintendent of the Prison from which the prisoner was assigned and a report shall be submitted in that behalf to the State Government through the Inspector-General of Prisons.

22. On completion of his sentence, the prisoner shall be allowed to return to his home or if he volunteers to remain in the Camp, he shall be allowed to stay on till the work is completed. If he stays on, he shall be permitted the use of the hutments and other equipment given to him on his admission to the Camp.

23. On release from the Camp, the prisoner shall be awarded a certificate by the Public Works Department Officer in charge of the work to the effect that the prisoner has satisfactorily worked at the Camp.

24. The prisoner shall be liable to be returned to the Jail from which he was assigned at any time by the order of the Jailor of the Camp for commitment of any of the following acts:—

(*i*) Going outside the Camp limit as fixed by the Jailor of the Camp without a written permit.

(*ii*) Manufacturing, drinking or handling any intoxicating liquors or narcotics.

(*iii*) Trading or trafficking in the supplies furnished by the Camp.

(*iv*) Gambling.

(*v*) Using abusive or threatening language or force to or against any person in the Camp.

(*vi*) Feigning sickness or omitting to perform willingly, skilfully and diligently the task allotted to him.

(*vii*) Agitating, making groundless complaints or magnifying grievances or instigating others.

(*viii*) Abusing privileges, wasting or stealing food, clothes, implements, supplies or belongings of any other inmate of the Camp.

(*ix*) Escaping or attempting to escape or helping or conniving at escape of any other inmate.

25. If any inmate escapes from the Camp, either during the working hours or night, the other inmates in the group shall be jointly held responsible and be liable to be returned to the Jail from which they were assigned for undergoing the unexpired portion of their sentence and all remission previously earned by them shall be liable to be forfeited.

26. The Jailor in charge of the Camp shall hold an enquiry into any breach of any rule of the Camp, record his findings thereon and pass written orders for the return of the prisoner to the Jail from which he was assigned, if found guilty. Any order passed as aforesaid shall be final.

27. No prisoner shall work on or have access to the books, registers or accounts relating to him or others or be employed on private work of any person in the Camp.

28. All prisoners shall accept the terms of employment and the tasks allotted to them by the officer in charge of the work.

FORM A.

Application for Assignment to Road Camp.

From (Name)

No. Prison.

To

The Superintendent,

Prison.

Sir,

I hereby make application for assignment to the Road Camp.

2. I have carefully read the rules and regulations for the government of the Camp and I promise to abide by them.

3. I understand that in the event of my escape I am to lose all my earned remission and to receive an additional sentence which a competent court may award.

4. My family consists of

residing at

and is willing

to join me in the Camp on the terms and rules in force.

(Signature.)

FORM B.

No.

Endorsement by the Medical Officer.

1. The applicant

has been carefully examined and in my opinion he is/is not fit for road or Camp work.

2. The reason for his unfitness is

3. The prisoner is free from venereal or other contagious diseases.

Medical Officer,
Prison.

FORM C.

Endorsement by the Superintendent of the Prison.

To

The District Superintendent of Police,

.....

Prisoner No.

is a resident of (village) Taluka

District Is serving a sentence of

awarded to him on by the

Previous occupation

Has served out including

remission out of his sentence. He has following jail punishments

I do recommend/I do not recommend him for selection for employment at the Road Camp.

Superintendent,
Prison.

FORM D.

Endorsement by the District Superintendent of Police.

To

The District Magistrate.

Forwarded.

2. The prisoner's antecedents have been gone through together with the details of his present crime.

His family resides at
and there is no objection to its joining the prisoner at the Camp.

3. His selection for employment at the Camp is/is not recommended for reasons below :—

District Superintendent of Police.

FORM E.

To

The Inspector-General of Prisons,
State of Bombay.

Forwarded.

2. I concur/I do not concur with the District Superintendent of Police and recommend that the prisoner may be/may not be selected for employment at the Camp.

District Magistrate.

FORM F.

Endorsement by the Inspector-General of Prisons.

To

The Secretary to Government,
Home Department, Bombay.

Forwarded with compliments.

2. The prisoner will be assigned to the Road Camp, if selection is sanctioned.

Inspector-General of Prisons,
State of Bombay.

MoB Bk H 715—23q